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To: 'Microsoft.atr(a)usdoj.gov'
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Subject: Justice Department soft on digital monopolism

I was very disappointed to see the recent settlement of the case against Microsoft. The "punishment" meted out simply does not fit the crime. It's as though we caught Osama bin Laden and let him off with a couple of years in reformatory. Microsoft has engaged in monopolistic practices for years, and now is being excused by those people whose view of software is not sufficiently developed to understand what the monopoly is doing, nor why it is important for government to step in.

Let me explain my position. I think that the breakup of the company into operating system/other software/and other investments was a proper part of the reconfiguration of the software world to foster competition, always an important part of American capitalism. I would go further in legislative and regulatory initiatives, not to punish Microsoft, but to make sure that no new Microsoft can emerge. First, I would make it necessary to publish the specs of all file formats. In other words, my new, whiz-bang application saves a file. The specs of that file must be open, so that developer B knows how to treat the data in his application, which may alter it in some way, or in fact, "Save as..." that exact file format. That would go a long way to guaranteeing interoperability, which has great benefits to all consumers. Secondly, internet standards need to be enforced. Many of the standards developed by the scientific and non-profit bodies, by the American taxpayer, in fact, are being altered - so that only the users of one platform, or the users of one operationg system, will be able to access some new service on the internet. Of course, true innovation should be encouraged, but a mere technical trick - locking out users of Real streaming video, for instance, not by adding anything significant to the service, just by tweaking the interface enough to lock out competitors, for instance - should be punished in civil and even criminal courts. If someone comes up with a meaningful advance, it should be protected only to the extent that it benefits all. Again, the government should require the publishing of details of the new standard, so that a new technique should be swiftly available to all. At the moment, if Microsoft (the most obvious candidate for monopoly, but not the only one) tweaks their treatment of sockets, or java, or ActiveX, so that other developers cannot access it, it's game over. Publication must come simultaneously with the development, or else the natural advantage of an innovator in the digital era becomes an unfair monopoly.

I am disappointed, but not surprised, by the leniency of the Justice Department vis a vis a prime campaign contributor. The American people deserve better.

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